

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA

Case No. MJ-22-21 -GF-JTJ

v.

MARCO ANTONIO CRUZ-
SORIANO

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Bradley A. Denno, being duly sworn, depose and state:

1. I have been employed as a Border Patrol Agent (BPA) with the United States Border Patrol for over nine years. I am assigned to the Sweetgrass Border Patrol Station, as a Border Patrol Agent in Sunburst, Montana. In that capacity, I am authorized by the Secretary of the United States Department of Homeland Security (DHS) to enforce the laws pertaining to the Immigration and Nationality Act.
2. In my capacity as a BPA, I have reviewed the official DHS records (077 610 800) and DHS automated data relating to Marco Antonio Cruz-Soriano which attest to the following:

- a. Cruz-Soriano is a thirty-eight (38) year-old male, native and citizen of Honduras, who, according to his own admission, last re-entered the United States afoot, near San Luis, Arizona, in Yuma County, Arizona, on or about January 15, 2022. Records checks obtained by using Cruz-Soriano's biographical information (including fingerprints) revealed that Cruz-Soriano had previously been ordered deported or removed.
3. On March 30, 2022, I was performing line watch duties in Sweetgrass Border Patrol Station's area of responsibility. At approximately 3:38 p.m. a Supervisory Border Patrol Agent (SBPA) was notified that Toole County Sheriff's Deputies encountered two subjects in a grey 2003 Honda Accord (California license plate no. 7MKJ168) on a vehicle stop in the, 100 block of Main Street in Shelby, Montana, that did not speak English. At approximately 4:20 p.m. a Border Patrol Agent arrived on scene to assist Toole County Deputy with translation to identify the two subjects.
4. I identified myself and then conducted an immigration inspection which revealed the two subjects were illegally present in the United States, and that they did not possess any immigration documents to be or remain in the United States legally. The two subjects later identified as: driver, Leonardo Caballero-Massuh (Ecuador, DOB: 1967) and passenger, Marco Cruz-

Soriano (Honduras, DOB: 1984) were placed under arrest and transported to the Sweetgrass Border Patrol Station for processing.

5. Toole County Sheriff Office had the 2003 Honda Accord (California license plate no. 7MKJ168/VIN# JHMC56383C008641) towed by Cliff's Towing Services (126 1st Avenue Southeast, Shelby, Montana 59474).
6. At 6:00 p.m., Cruz-Soriano was notified of his "Warning as to Rights" which was documented on Service Form I-214. Cruz-Soriano waived his rights and stated that he was willing to answer questions.
7. Upon arrival at the Sweetgrass Station, Cruz-Soriano was routinely enrolled into the e3 System which contains the Automated Biometric Identification System (ABIS) and the Integrated Automated Fingerprint Identification System (IAFIS). These systems returned positive criminal and positive immigration history. Records checks were also conducted through Havre Sector Communication Center and yielded a positive criminal history and positive immigration history.
8. Cruz-Soriano's immigration history, based on the record checks, included the following:

(a) On 4/9/2015 Encountered in the Salt Lake County Detention Facility for Possession of Cocaine, Possession of Marijuana, Distribution of Controlled Substance and Drug Paraphernalia. Case

presented for 8 USC 1326. The (first) Final Order of Removal from 6/12/2002 was reinstated, and the subject was removed to Honduras through Phoenix, Arizona, on 8/12/2015.

(b) On 1/28/2011 Encountered in Clark County Detention Center, Nevada, no charges listed. A Final Order of Removal was signed on 1/28/2011, and the subject was removed to Honduras through Phoenix, Arizona, on 2/11/2011.

(c) On 3/29/2010 Encountered in Greyhound Bus Station by Bellingham Border Patrol Agents in Fairhaven, Washington, conducting a Transportation Check. A Final Order of Removal was signed on 3/29/2010, and the subject was removed to Honduras through Phoenix, Arizona, on 4/8/2010.

(d) On 6/28/2008 Encountered at Maricopa Sheriff's Office for Possession of Marijuana and Paraphernalia. A Final Order of Removal was signed on 7/10/2008, and the subject was removed to Mexico through Nogales, Arizona, on 7/11/2008.

(e) On 6/12/2002 Subject was issued (the first) Final Order of Removal in El Paso, Texas, and he was removed to Honduras through Phoenix, Arizona, on 7/22/2002.

9. Cruz-Soriano's criminal history, based on the record checks, included the following:

- a. 08/06/2007 Glendale PD, Criminal Trespass, 3rd Degree, Guilty, 2 days.
- b. 06/28/2008 Phoenix PD, Marijuana Possession, Misdemeanor, Guilty, Fine and 12 months' probation.
- c. 07/31/2008 Phoenix PD, False Report to Police, Misdemeanor, Guilty, 1 Day.
- d. 11/11/2014 Salt Lake City County, Dangerous Drugs, Felony, Guilty, 180 Days, 36 Months, up to 1-15 Years.
- e. 04/24/2015 Salt Lake City, Reentry of Deported Alien, 1326, Convicted, Probation 36 months with a conviction date of July 1, 2015 in the United States District Court for the District of Utah.

10. I reviewed court paperwork from the United States District Court for the District of Utah that confirmed Cruz-Soriano was convicted of violating 8 U.S.C. § 1326(a), illegal reentry of a previously removed alien, and sentenced to 36 months of probation on July 1, 2015, in case number 2:15CR205. His conviction paperwork as well as his computerized criminal history contain multiple aliases: Rael Baustillo Martinez; Jose Raul Perez; Valentin Perez, Valentin Trujillo Perez, Jose Raul Perez-Sanchez, Valentin

Perez-Trujillo, Valentin Trujillo-Perez, Marcos Tulio-Cruz, and Jose R. Perez.

11. During processing at the Border Patrol Station, Cruz-Soriano claimed to be a citizen of Honduras. He was born in Honduras in 1984. Cruz-Soriano said he illegally entered the United States on or about January 15, 2022, in San Luis, Arizona.

12. Due to all of the above information, the agent cited Cruz-Soriano with violation of 8 U.S.C. 1326(a), Illegal Reentry. Cruz-Soriano was advised of his *Miranda* rights. After waiving his rights, he confirmed the information above.

13. There is no indication in the files of DHS that Cruz-Soriano ever applied for or obtained the permission of the United States Attorney General or the Secretary of the Department of Homeland Security to reenter the United States.

14. On the basis of the facts above, I believe there is probable cause that Cruz-Soriano is an alien who has illegally entered the United States, has been found in the United States without the required permission, and is in violation of Title 8, United States Code, Section 1326(a) and (b)(1) – Illegal Re-Entry After Deportation/Removal after prior felony conviction.

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Respectfully submitted this 1 day of April 2022.



Bradley A. Denno
Border Patrol Agent
U.S. Department of Homeland Security
Sunburst, Montana

Subscribed and sworn to before me this 1 day of April, 2022, at Great Falls, Montana.



For
Honorable JOHN T. JOHNSTON
United States Magistrate Judge
District of Montana
Great Falls, Montana